

MEMO ENDORSED



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November 28, 2016

VIA ECF

Honorable Katherine Polk Failla
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
40 Foley Square, Room 2103.
New York, NY 10007

Re: Schwartz v. HSBC Bank USA, N.A.
Civil Action No. 14-cv-9525 (KPF)

Dear Judge Failla:

We represent defendant HSBC Bank USA, N.A. ("HSBC") in the above-captioned matter. In connection with HSBC's pending motion to dismiss the Second Amended Complaint for lack of standing (D.E. 51), we submit the Second Circuit's decision in *Strubel v. Comenity Bank*, 2016 WL 6892197 (2d Cir. Nov. 23, 2016). In light of this decision, HSBC respectfully requests that the parties be afforded leave to submit supplemental briefs in connection with the pending motion to dismiss.

Thank you for your consideration of this request.

Respectfully submitted,

s/ Louis Smith
Louis Smith

Encl.

cc: Brian L. Bromberg, Esq. (via ECF)
Harley J. Schnall, Esq. (via ECF)

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Application GRANTED. Both parties shall file supplemental letter briefs regarding whether, and if so how, the Second Circuit's decision in *Strubel v. Comenity Bank* affects the pending motion to dismiss. The letter briefs shall be no more than five pages each and are due **December 16, 2016**.

Dated: November 28, 2016 SO ORDERED.
New York, New York



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE